

21 C.J.S. Courts § 227

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

4. Dicta

§ 227. Reasoning, illustrations, and the like

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Stare decisis applies to both the result and the explication of the governing law, including the reasons supporting the decision, but mere statements of reasoning, arguments, or illustrations are generally dicta.

The principle of stare decisis directs courts to adhere not only to the holdings of their prior cases but also to their explications of the governing rules of law,¹ and that explication may not be disregarded as dictum.² A court is bound not only by the result but also by those portions of the opinion that are necessary to that result,³ and thus, the reasoning of the court that furnishes the exclusive basis for the conclusion reached is not obiter dictum.⁴ However, statements in an opinion that merely constitute the reasoning, arguments, references, illustrations, and analogies are generally not precedents.⁵

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Footnotes

- 1 U.S.—*Seminole Tribe of Florida v. Florida*, 517 U.S. 44, 116 S. Ct. 1114, 134 L. Ed. 2d 252 (1996); *Powell v. Thomas*, 643 F.3d 1300 (11th Cir. 2011).
- 2 U.S.—*Rios v. City of Del Rio, Tex.*, 444 F.3d 417 (5th Cir. 2006).
- 3 U.S.—*Seminole Tribe of Florida v. Florida*, 517 U.S. 44, 116 S. Ct. 1114, 134 L. Ed. 2d 252 (1996).

W. Va.—Woodrum v. Johnson, 210 W. Va. 762, 559 S.E.2d 908 (2001).

4 U.S.—Seminole Tribe of Florida v. Florida, 517 U.S. 44, 116 S. Ct. 1114, 134 L. Ed. 2d 252 (1996); Powell v. Thomas, 643 F.3d 1300 (11th Cir. 2011).

5 Ind.—Wheeler v. City of Indianapolis, 205 Ind. 86, 185 N.E. 125 (1933).

Ky.—Mackey v. Commonwealth, 255 Ky. 466, 74 S.W.2d 915 (1934).

Md.—Stover v. Stover, 60 Md. App. 470, 483 A.2d 783 (1984).

Mass.—Allen v. Commissioner of Corporations and Taxation, 272 Mass. 502, 172 N.E. 643, 70 A.L.R. 1299 (1930).

N.J.—Crescent Ring Co. v. Travelers' Indemnity Co., 102 N.J.L. 85, 132 A. 106 (N.J. Ct. Err. & App. 1926).

Tex.—Patterson v. State, 87 Tex. Crim. 95, 221 S.W. 596 (1920).

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